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Paralegals

May 20, 2020

Sent via ECF only

Hon. Colleen McMahon
Chief Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, New York 10007-1312

Re: Cummings v. The City of New York, et al
Case No.: 19-cv-07723-CM

Dear Judge McMahon:

I hope this correspondence finds you and your staff healthy and safe. As you know, my office represents the Plaintiff, Patricia Cummings, in connection with the above referenced action.

I am writing to address a certain issue regarding this matter that arose as the COVID-19 crisis commenced and during the time that operations in the Southern District of New York and elsewhere were curtailed in response to the virus.

On February 24, 2020, this Court issued its Memorandum Decision and Order, dismissing the Plaintiff's claim with leave to replead within 21 days. In accordance with the Court's Decision and Order, the Plaintiff *timely* filed an Amended Verified Complaint (Document No. 95), on March 16, 2020 (the 21st day). Nonetheless, on March 17, 2020, the CM/ECF system issued a notification advising of a deficiency in the Plaintiff's pleading. The notice requested that Plaintiff's counsel re-file the Amended Complaint, as it claimed that all of the parties listed on the pleading were not entered on CM/ECF, and further, that the Court's leave must be granted in order to re-file. In this

regard, our office was in the process of trying to communicate with the CM/ECF filing help desk to clarify the problem, as it was our understanding that the parties listed had properly been entered in the CM/ECF system. Nonetheless, on March 20, 2020, the majority of my office staff was furloughed as a result of Governor Andrew Cuomo Executive Order No. 202.8, and it was our understanding that all court filings were temporarily suspended. Recently, however, my Associate was able to communicate with CM/ECF filing help desk, who was able to ascertain that the discrepancy occurred when the original filed pleading referenced one of the Defendants as: *COALITION OF EDUCATIONAL JUSTICE*, (who was served with a copy of the Verified Complaint on January 30, 2019, and failed to timely answer). When the Amended Verified Complaint was filed, that same Defendant was inadvertently referenced as *NYC COALITION FOR EDUCATIONAL JUSTICE*. They are one and the same entity; however, the party name listed on the caption title must be modified to match what's listed on CM/ ECF system in order for the Amended Verified Complaint to be properly received. There will be no prejudice to any party if this inadvertent typographical error is permitted to be corrected.

It further was our understanding that filing deadlines in your civil cases had been administratively extended, and that we would be precluded from seeking leave to refile the Plaintiff's Amended Verified Complaint until such time as the suspension of Court filings were lifted.

As the May 15, 2020, blanket extension for filing papers in civil cases has now expired, the Plaintiff is seeking this Court's leave to refile the Plaintiff's Amended Verified Complaint with the correct listing of the party's name, such that the matter may expeditiously proceed.

Thanking the Court for its consideration of this request, I am

Respectfully,



Thomas F. Liotti (TL 4471)

cc: Counsel for Appearing Defendants (via CM/ECF)